In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.18822 of 2006

Date of Decision: 28.11.2006

Ram Ji Lal …Petitioner.

Versus

Chaudhay Charan Singh Haryana Agricultural University, Hisar & others.

…Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.Ramesh Chahal, Advocate for the Petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The prayer made by the petitioner in the instant petition is that order dated 17.7.2006 (Annexure P4) passed by the D.E.O.-cum-Secretary, House Allotment Committee, Haryana Agricultural University, Hisar, be quashed as also the order dated 8.9.2006 (Annexure P6) passed by the Vice Chancellor of the aforementioned University be also quashed. It has been pointed out that the official residential accommodation was allotted to the petitioner was found to be in possession of one Smt.Manju and the aforementioned fact was discovered during the routine

checking. As a consequence thereof, show cause notice was issued to the petitioner to which he filed his reply. Thereafter, the impugned order dated 17.7.2006 (Annexure P4) was passed directing him to vacate the premises within 30 days and debarred him forever for the allotment of the house in the University Campus as well as in the outstations. Against the aforementioned order, the petitioner filed an appeal to the Vice Chancellor, which has also been rejected vide order dated 8.9.2006 (Annexure P6).

After hearing learned counsel, we find that the argument has been raised disputing the fact that Smt.Manju is not the daughter of the petitioner and the daughter of the petitioner is alleged to be in possession of the house in the show cause notice. According to the learned counsel, the daughter of the petitioner was staying with him temporarily and therefore, it could not be said that the residential accommodation was sublet to any outsider. Therefore, we find that there are disputed questions of fact which cannot be gone into writ jurisdiction.

The petitioner has earlier filed a Civil Suit and the same was got dismissed as withdrawn on 12.10.2006 as the petitioner wanted to challenge the order before this Court. In our view, that was the appropriate remedy which should have been pursued. The petitioner may apply to the concerned Civil Judge for revival of the Civil Suit by moving an appropriate application. If such an application is filed, the same shall be considered in accordance with law.

The petition stands dismissed in the terms aforementioned.

(M.M.KUMAR)
Judge

November 28, 2006 **(M.M.S.BEDI)**
dkb **Judge**